

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

FEDERAL TRADE COMMISSION,)	
STATE OF CALIFORNIA,)	
STATE OF COLORADO,)	
STATE OF ILLINOIS,)	
STATE OF INDIANA,)	
STATE OF IOWA,)	
STATE OF MINNESOTA,)	
STATE OF NEBRASKA,)	
STATE OF OREGON,)	
STATE OF TENNESSEE)	
STATE OF TEXAS,)	
STATE OF WASHINGTON,)	
and)	
STATE OF WISCONSIN,)	Case No. 1:22-cv-00828-TDS-JEP
)	
Plaintiffs,)	
)	
v.)	
)	
SYNGENTA CROP PROTECTION AG,)	
SYNGENTA CORPORATION,)	
SYNGENTA CROP PROTECTION, LLC,)	
and)	
CORTEVA, INC.,)	
)	
Defendants.)	

**SYNGENTA’S RULE 44.1 NOTICE OF INTENT TO RAISE ISSUE OF
FOREIGN LAW AT HEARING ON PLAINTIFFS’ MOTION TO COMPEL**

Pursuant to Rule 44.1 of the Federal Rules of Civil Procedure, Defendants Syngenta Crop Protection AG, Syngenta Corporation, and Syngenta Crop Protection, LLC (collectively, “Syngenta”) respectfully provide notice that Syngenta intends to raise an issue of Swiss law at the hearing on, among other things, Plaintiffs’ Motion to Compel Discovery of Syngenta Defendants [Dkt. No. 217] scheduled for August 15, 2024.

Attached hereto as Exhibit 1, Syngenta provides the Declaration of David Rosenthal, lic. iur.—partner at a business law firm in Switzerland with particular experience in advising international businesses in complying with Swiss and European law governing the transfer and other processing of data—as “relevant material” to be considered by the Court in determining Swiss law at the hearing. Fed. R. Civ. P. 44.1 (“[T]he court may consider any relevant material . . . including **testimony**, whether or not . . . admissible under the Federal Rules of Evidence.” (emphasis added)). All materials cited by Mr. Rosenthal in his Declaration are being made available to the Court and Parties (translated to English where necessary) as hyperlinks within the Declaration or as exhibits to the Declaration, including the *Swisspartners* case (see Exhibit B to Declaration, *Swiss Federal Court, Case Reference 6B_216/2020*).

Respectfully submitted, this 12th day of August, 2024.

/s/ Patrick M. Kane

Patrick M. Kane
N.C. Bar No. 36861
pkane@foxrothschild.com
Sean T. Placey
N.C. Bar No. 56683
splacey@foxrothschild.com

FOX ROTHSCILD LLP
230 N. Elm Street, Suite 1200
PO Box 21927 (27420)
Greensboro, NC 27401
Telephone: 336.378.5200
Facsimile: 336.378.5400

James I. McClammy*
james.mcclammy@davispolk.com
Benjamin Miller *
benjamin.miller@davispolk.com

Daniel J. Thomson*
daniel.thomson@davispolk.com

DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
New York, NY 10017
Telephone: (212) 450-4292
Facsimile: (212) 701-5292

* Specially appearing under L.R. 83.1(d)

*Attorneys for Defendants Syngenta Crop
Protection AG, Syngenta Corporation, and
Syngenta Crop Protection, LLC*